IN RE: PETITION FOR ZONING VARIANCE NE/Corner Carroll and Ridge Aves. (1717 Carroll Avenue) 13th Election District

* DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY 1st Councilmanic District

* Case No. 91-416-A Charles A. Greaves, Sharon A. Greaves, and Margaret E. Greaves Petitioners * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 12 feet in lieu of the minimum required 30 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners originally filed their request through the administrative variance procedure. By order of the Zoning Commissioner, the matter was scheduled for a public hearing on July 30, 1991.

Ms. Sharon A. Greaves, one of the Petitioners, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1717 Carroll Avenue, consists of 12,200 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling. Petitioners are desirous of subdividing their property, as depicted on Petitioner's Exhibit 1, to create a building lot for their son. Proposed Lot 2 will front on Ridge Avenue and will be to the rear of the existing dwelling. Because of the existence of a large deck on the side of the existing dwelling, the requested variance is necessary in order to proceed with development of proposed Lot 2. In support of their request, Petitioners submitted a signed statement from adjoining property owners on Ridge Avenue indicating they have no objections to their plans. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this _____ day of August, 1991 that the Petition for Zoning Variance from Section 1802.3.C.1 of the B.C.Z.R. to permit a rear yard setback of 12 feet in lieu of the minimum required 30 feet, in accor-

however, to the following restrictions:

1) The Petitioners are hereby made aware that pro-Petitioners would be required to file a new Petition.

2) Compliance with all Zoning Plans Advisory Committee comments, including, but not limited to, the comments submitted by the Department of Public Works, Developers Engineering Division dated May 15, 1991, which requires that the property in question must be submitted through the minor subdivision process for review and comments.

3) The Petitioners are hereby prohibited from any further subdivision of their property located at the corner of Carroll Avenue and Ridge Avenue, said property being known as 1717 Carroll Avenue and more particularly described on Petitioner's Exhibit 1, outlined in bold lines.

4) Prior to the issuance of any building permit for a new dwelling, the Petitioners shall record this Order in the Land Records for Baltimore County and shall cause to be filed a recorded copy of this Order in this case.

> Deputy Zoning Commissioner for Baltimore County

TMK:bjs

dance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject,

ceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted shall be rescinded and

DINNS DEPARTMENT OF BALTIMORE COUNTY

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

August 7, 1991

Enclosed please find a copy of the decision rendered in the

In the event any party finds the decision rendered is unfavor-

Very truly yours,

TIMOTHY M. KOTROCO

for Baltimore County

Deputy Zoning Commissioner

above-captioned matter. The Petition for Zoning Variance has been granted

able, any party may file an appeal to the County Board of Appeals within

thirty (30) days of the date of this Order. For further information on

filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

887-3353

111 West Chesapeake Avenue

1717 Carroll Avenue

Mr. & Mrs. Charles A. Greaves

Halethorpe, Maryland 21227

RE: PETITION FOR ZONING VARIANCE

in accordance with the attached Order.

(1717 Carroll Avenue)

Case No. 91-416-A

Dear Mr. & Mrs. Greaves:

TMK:bjs

Pile

cc: People's Counsel

NE/Corner Ridge and Carroll Avenues

Charles A. Greaves, et ux - Petitioners

13th Election District - 1st Councilmanic District

Towson, MD 21204

7	Tourson, Maryland
District 1.3 Th.	Date of Posting May 10, 1991.
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Location of property: 718. C. M. Lage	and Exercise
Location of Signer In front of	717 Parroll aronnus
D	
Posted by & Grata	Date of return: 2024 17 1991

41-416-4

91-416-A DAMES DEPARTMENT OF BALTIMORE COUNTY

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Posted for: Variance	Date of Posting July 12, 199
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1717 Carroll aren	ge and Arroll Urenies
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PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

required 30 feet.

91-416-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1802.3.C.1 -- To allow a rear yard setback of 12 feet in lieu of the

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (indicate hardship or practical difficulty)

for son. Purchasing a new building lot off main propary a fivencial hardship.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of , 4.92 Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, under the regal owner: Margaret E. Greaves penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of margaret E fecores this Petition.

Contract Purchaser: MRS. Sharon A Greaves

Attorney for Petitioner: Hazetharpe, MO 21227

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

CHOCRED by the Zoning Commissioner of Saltimore County, this 3 day of May, 19 9/, that the subject matter of this petition be posted on the property on or before the 15^{+4} day of 18^{-4} , 18 9/

ZONING COMMISSIONER OF BALTIMONE COUNTY

metter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughhet the property be reposted, and that the public hearing be had before the Zaning Commissioner of Beltimore Count

ORDER RECEIVED FOR FILING

AFFIDAVIT IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-416-A
The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

That the Affiant(s) does/do presently or upon settlement will reside at 1717 Carroll Avenue

That based upon personal knowledge, the following are the facts upon which I/we base the request for for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty) Due to the zoning regulation that states property must have a 30' back youd before the next boundary may start, the proposed property usuld be rendered usuable for building pur poses. That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

ChArles A. G-REAVES

VED FOR

MARC ARETE GREAVES Sharon A. Greaves

I HEREBY CERTIFY, this 3rd day of MAY, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared charles A Greaves MArgaret & Greaves & Sharow A. Greaves

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made outh in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITHESS my hand and Motarial Seal.

My Commission Expires: >-)-9/

91-416-A

Beginning at the corner formed by the intersection of the north side of Ridge Avenue and the east side of Carroll Avenue which is 126 feet 6 inches to the east outline of the original Halethorpe property thence north binding on said outline 100 feet more or less to intersect a line drawn east and at right angels from the east side of Carroll Avenue at a point distant north 100 feet from the place of beginning. Being Lots#(209 & 210) as recorded in Deed Liber(6601), Folio(682) in the subdivision of Halethorpe as recorded in Baltimore County Plat Book(#JWS #1) Folio(#60) containing 12,200 sq. ft. Also known as 1717 Carroll Avenue and located in the (#13) Election District. The Zoning Commissioner of Beltimore County, by authority of the Zoning Act and Regulations of Beltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-416-A NEC Ridge and Carroll Avenues 1717 Carroll Avenue 13th Election District 1st Councilmanic Petitioner(s):

Charles A. Greaves, et al Hearing Date: Thursday August 1, 1991 at 9:00 a.m.

Variance: to allow a rear yard setback of 12 ft. in lieu of the required 30 ft.

J ROBERT HAINES Zoning Commissioner of Baltimore County ARB J 6:274.

CERTIFICATE OF PUBLICATION

THE JEFFERSONIAN,

5. Zehe Orlina Publisher

204 \$ 5307

CERTIFICATE OF PUBLICATION

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

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J. ROBERT HAINES Zoning Commissioner of Baltimore County ARB J 6 274 June 27

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Publisher

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

May 15, 1991

887-3353

Mr. & Mrs. Charles A. Greaves 1717 Carroll Avenue Halethrope, MD 21227

> RE: Item No. 421, Case No. 91-416-A Petitioner: Charles A. Greaves, et ux Petition for Residential Variance

Dear Mr. & Mrs. Greaves:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER

Chairman

Zoning Plans Advisory Committee

JED:jw
Enclosures

Commissioner

Account R 001-4150

Number

H9100421

H9100421

FUR IN HEARING FEES

OTY PRICE

O19 ZONING VARIANCE (IRL) 1 X \$35.00

O80 POSTING SIGNS / ADVERTISING 1 X \$25.00

TOTAL: \$60.00

LAST NAME OF OMNER: GREAVES

Place Make Checks Psychie Tet Battimore OphroDo12:35PH05-03-91

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Zoning Compusioner

County Office Paddeng

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

Cashier Validation

887 3353

Your petition has been received and accepted for filing this 3rd day of May, 1991.

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

CMairman,
Zoning Plans Advisory Committee

Petitioner: Charles A. Greaves, et ux
Petitioner's Attorney:

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

DATE: 7/8/7/

Mr. & Mrs. Charles A. Greaves 1717 Carroll Avenue Halethrope, Maryland 21227

RE:
Case Number: 91-416-A
NEC Ridge and Carroll Avenues
1717 Carroll Avenue
13th Election District - 1st Councilmanic
Petitioner(s): Charles A. Greaves, et al
HEARING: THURSDAY, AUGUST 1, 1991 at 9:00 a.m.

Dear Petitioner(s):

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

....

91-416A 5/30

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: May 29, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: May 14, 1991

This office has no comments for items number 413, 414, 415, 416, 417, 418, 419, 420, 421, 422 and 423.

Rahoe J. Famili
Traffic Engineer II

RJF/1vd

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

JUN 1 4 1991

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

NOTICE OF HEARING

Case Number: 91-416-A
NEC Ridge and Carroll Avenues
1717 Carroll Avenue
13th Election District - 1st Councilmanic
Petitioner(s): Charles A. Greaves, et al
HEARING. THURSDAY, AUGUST 1, 1991 at 9:00 a.m.

Variance to allow a rear yard setback of 12 ft. in lieu of the required 30 ft.

J. Robert Springs

Zoning Commissione
Baltimore County

cc: Mr. & Mrs. Greaves, et al

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 15, 1991
FROM: Dennis A. Kennedy, P.E.

RE: Zoning Advisory Committee Meeting for May 14, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 413, 416, 418, 420, 422 and 423.

For Item 417, the previous County Review Group Meeting comments are still applicable. The panhandle to Lot 3 should be 20 feet between Lots 1 and 2.

For Item 419, the previous County Review Group Meeting comments are still applicable.

For Item 414, a 10-foot drainage and utility easement exists along the north property line, as shown on record plat 40/122. No permanent structures are allowed within County easements.

For Item 415, a County Review Group Meeting is required.

For Item 421, this site must be submitted through the minor subdivision process for review and comments.

Dennis A. Kennedy, P.E., Acting Chief, Developers Engineering Division

DAK:s

Baltimore County Government Fire Department

700 East Joppa Road, Suite 901 Towson, MD 2120+5500

(301) 887 4500

AUGUST 6, 1991

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building

Towson, MD 21204 RF: Property Owner: CHARLES A. CPEAVES

> Location: Zoring Agerda: MAY 14, 1991 Item No.: *421

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

#1717 CARPOLL AVENUE

Fire Prevention Bureau

JK/KEK

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Mr. & Mrs. Charles A. Greaves 1717 Carroll Avenue Halethorpe, Maryland 21227

Re: CASE NUMBER: 91-416-A LOCATION: NEC Ridge and Carroll Avenues 1717 Carroll Avenue

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 15, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is May 30, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens (301) 887-3391

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

June 11, 1991

887-3353

Mr. & Mrs. Charles A. Greaves

Ms. Margaret E. Greaves 1717 Carroll Avenue Halethrope, Maryland 21227

91-416-A CASE NUMBER:

Dear Petitioners:

By Order of the Zoning Commissioner's Office, dated JUNE 7,1991, this matter must be scheduled for a public hearing.

Formal notification of the hearing date will be forwarded to you shortly. As you recall, it will now be necessary to run notice of the hearing in two local newspapers. You will be billed for these advertising costs.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

G. G. Stephens (301) 887-3391 FOLLOWS: Beginning at 9:00 a.m. on

NOTICE OF REASSIGNMENT

1717 Carroll Avenue

91-416-A

PROPERTY OWNER(s): Charles A. Greaves, et ux

IN THE BALTIMORE COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, ROOM 106, TOWSON, MARYLAND 21204.

THE ABOVE MATTER HAS BEEN REASSIGNED. HEARING WILL NOW TAKE PLACE AS

TUESDAY, JULY 30, 1991

Baltimore County Government

July 12, 1991

887-3353

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

ZONING COMMISSIONER BALTIMORE COUNTY

CASE NUMBER(S):

111 West Chesapeake Avenue

Towson, MD 21204

CASE NUMBER 91-416-A



LOOKing West

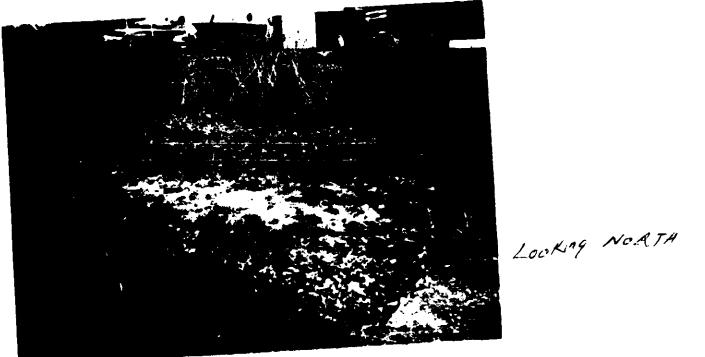


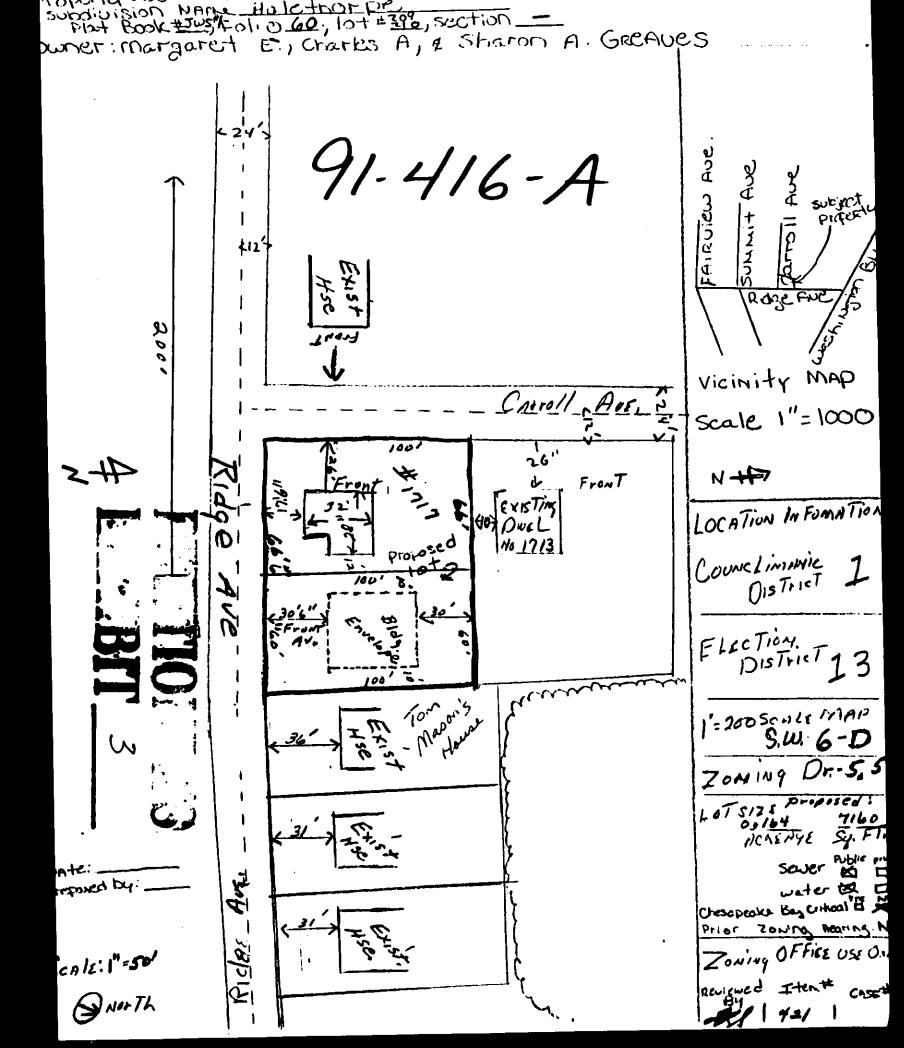
EXHIBIT # 1 PETITIONER'S

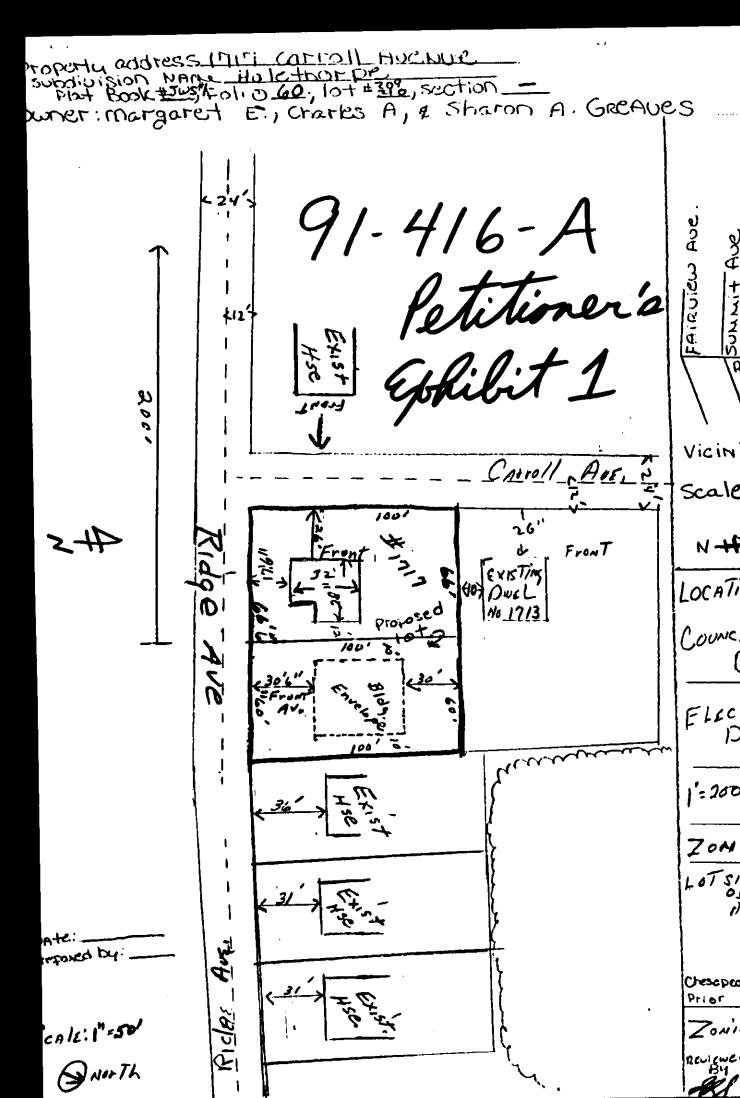
To Whom It May Concern:

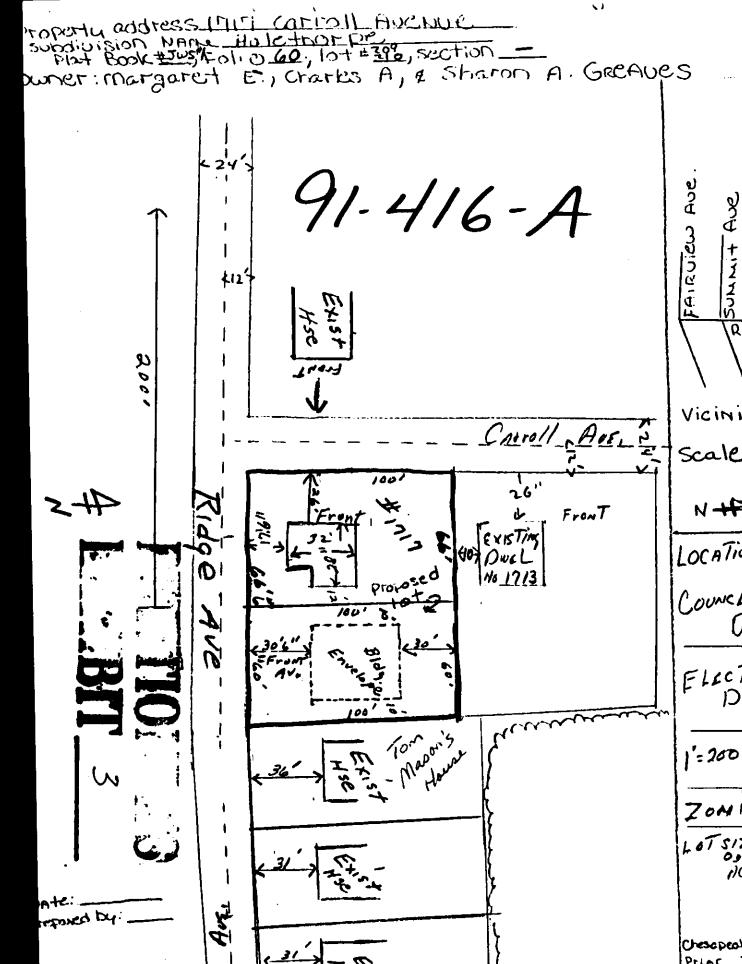
I/We are aware that Charles Greaves has petitioned coning to allow a rear setback of 12 feet in lieu of the required 30 feet. We are also aware that Mr. Greaves intends to build a new home on the proposed site if his request is granted. I'We hereby state that we do not oppose either the petition for the setback or the subsequent house that will be built on the property. It is our sincere hope that the zoning office will indeed grant Mr. breaves his petition. Signed.....

4333 Ribbe Ave BALTIMUM MA 21227 4322 Ridge Ave Baltimore MD alday

PETITIONER'S EXHBIT 2







Vicinity MAP scale 1"=1000

LOCATION IN FOMATION COUNCLIMANIC

FLECTION. TL3

1'= 200 Scale MAP S.W. 6-D LOTSIZE Proposed: 0,164 7160 PCAENYE Sy. FT

Reviewed Itent

